

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GLEN W. DUCOTE,)
Petitioner,)
v.) Civ.Act.No. 07-374-GMS
ELIZABETH BURRIS, Acting Warden)
and JOSEPH R. BIDEN III, Attorney)
General for the State of Delaware)
Respondents.¹)

**MOTION FOR EXTENSION OF TIME TO FILE
CERTIFIED STATE COURT RECORDS**

1. The petitioner, Glen Ducote, has applied for federal habeas relief, alleging two points of error in his State court proceedings. D.I. 1. The undersigned filed an answer to the petition on November 16, 2007. D.I. 14.
2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's case.
3. The Deputy Attorney General responsible for retrieving certified state court records has been sick and, consequently, out of the office for much of November. Given his absence and the upcoming holiday schedule, the undersigned anticipates that the necessary records should be available on or before December 21, 2007.

¹ See Fed.R.Civ.P. 25(d)(1). Attorney General Joseph R. Biden, III, assumed office on January 2, 2007, replacing former Attorney General Carl C. Danberg, an original party to this case. Elizabeth Burris was named Acting Warden, effective September 1, 2007.

4. Respondents submit that an extension of time to December 21, 2007 in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/ Kevin M. Carroll
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 4836

DATE: November 16, 2007

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Kevin M. Carroll
Deputy Attorney General

Counsel for Respondents

Date: November 16, 2007

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2007, I electronically filed the attached documents with the Clerk of Court using CM/ECF. I also hereby certify that on November 16, 2007, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

Glen Ducote
No. 210611
1181 Paddock Road
Delaware Correctional Center
Smyrna, DE 19977

/s/Kevin M. Carroll
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 4836
Kevin.Carroll@state.de.us

Date: November 16, 2007

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ORDER

This ____ day of _____, 2007,

WHEREAS, respondents having requested an extension of to file certified state court records, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents' answer shall be filed on or before December 21, 2007.

United States District Judge